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OFFICE OF PETITIONS

JONES DAY  
222 EAST 41ST ST  
NEW YORK NY 10017

In re Application of :  
Gilles Gosselin et al. :  
Application No. 10/022,276 : DECISION ON PETITION  
Filed: December 14, 2001 :  
Attorney Docket No. 11874-030-999 :

This is a decision on the petition under 37 CFR 1.182, filed, May 7, 2008, to rescind the Request for Non-Publication and Certification in the above-identified application.

The petition is **DISMISSED**.

The petition indicates a Request for Non-Publication and Certification Under 35 USC §122(b)(2)(B)(i) was filed on December 14, 2001. Further, petitioner indicates this request was inadvertently filed since the subject matter of the instant application was, in fact, previously filed and published under a multilateral agreement as WO 00/09531.

The instant application issued as patent No. 6,569,837 on May 27, 2003. As such, the PTO has no jurisdiction to make the request relief in a patent. In view of this, the petition under § 1.182 to rescind a Non-Publication Request cannot be granted.

As authorized, the \$400 fee for the petition under 37 CFR 1.182 has been assessed to petitioner's deposit account.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS  
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37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the document filed concurrently with this petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being referred to Technology Center AU 1624 for appropriate action by the Examiner in the normal course of business on the reply received.

A handwritten signature in black ink, reading "Ramesh Krishnamurthy". The signature is fluid and cursive, with the first name "Ramesh" and last name "Krishnamurthy" clearly distinguishable.

Ramesh Krishnamurthy  
Petitions Examiner  
Office of Petitions